

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DIBA FAMILY LIMITED PARTNERSHIP AND :
170 EAST 75TH LLC, :

Plaintiffs, :

- against - :

DAVID ROSS AND HELEN WERNGREN-ROSS, :

Defendants. :

13 Civ. 6384 (LGS) (JLC)

NOTICE OF MOTION TO DISMISS

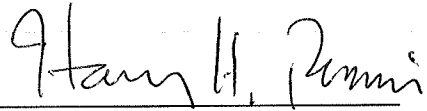
----- X

PLEASE TAKE NOTICE that upon the Declaration of Harry H. Rimm, executed on May 13, 2014, and the exhibits thereto, and the accompanying Memorandum of Law in Support, and all prior pleadings and proceedings had herein, defendants David Ross and Helen Werngren-Ross, will move this Court, before the Honorable Lorna G. Schofield, 500 Pearl Street, Courtroom 1106, New York, New York, for (i) an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Second Amended Complaint in its entirety and (ii) such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's April 1, 2014 Order, opposition shall be served on or before June 2, 2014, and reply papers are to be served no later than June 9, 2014.

Dated: New York, New York
May 13, 2014

SULLIVAN & WORCESTER LLP

By: 

Harry H. Rimm
Siobhan Briley

1633 Broadway
New York, New York 10019
Telephone: (212) 660-3000
Facsimile: (212) 660-3001

*Attorneys for Defendants
David Ross and Helen Werngren-Ross*

To: Robert J. Gumenick, Esq.
250 Madison Avenue
New York, New York 10016
Telephone: (212) 608-7478
Facsimile: (212) 803-1302

Attorneys for Plaintiffs